



City of Hampton, VA

Notice of Action

City Council – Regular Meeting

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

***Randall A. Gilliland, Angela Lee Leary, Charles N. Sapp, Joseph H. Spencer, II,
Turner M. Spencer, Rhett Tignor, Ross A. Kearney, II, Mayor***

Staff:

***Jesse T. Wallace, Jr., Interim City Manager
A. Paul Burton, City Attorney
Katherine K. Glass, Clerk of Council***

Tidewater Chinese School Dancers – 7:00 p.m. – 7:15 p.m. – Council Chambers

Regular Meeting – 7:30 p.m. – April 13, 2005

**CALL TO ORDER/ROLL CALL
INVOCATION – COUNCILMAN RHETT TIGNOR
PLEDGE OF ALLEGIANCE TO FLAG**

Prior to consideration of the agenda, the Mayor welcomed representatives of local chapters of the Red Hat Society.

CONSENT AGENDA

1. 05-0222 Minutes of the January 26, 2005 Luncheon Meeting; February 2, 2005 Special Meeting; February 9, 2005 Regular Meeting; February 23, 2005 Regular Meeting; March 9, 2005 Special and Regular Meetings; and March 23, 2005, Luncheon, Special and Regular Meetings.
2. 05-0194 Vacation Agreement between the City of Hampton and MCQ Builders, LLC-1 for excess right-of-way at Big Bethel Place.
3. 05-0196 Resolution approving participation and appropriation by the City of Hampton, Virginia of the 2005-2006 Hampton Foster Grandparent Program through the Corporation for National and Community Service.
4. 05-0197 Resolution requesting Virginia Department of Transportation to add new streets to the State “Principal/Minor Arterial and collector/local” street list.
5. 05-0204 Resolution authorizing acquisition of property known as 27 Freeman Drive from Willard S. Blanchard, Jr.
6. 05-0221 Resolution authorizing acquisition of property known as 28 Barrack Street from Mary E. Thompson, formerly known as Mary Elizabeth Avant.

ACTION: APPROVED.

PRESENTATIONS, PROCLAMATIONS, AWARDS

7. 05-0192 Proclamation recognizing Alternatives, Inc., as a recipient of the Harris Wofford Award.

ACTION: Vice Mayor Joseph Spencer read the proclamation and presented it to Ms. Kathy Johnson, Executive Director of Alternatives, Inc.

- 8 .05-0193 Proclamation proclaiming April 15, 2005 as Youth Service Day in the City of Hampton.

ACTION: Councilman Turner Spencer read the proclamation and presented it to Ms. Anne Harris.

9. 05-0140 Proclamation proclaiming April 25, 2005 as Red Hat Society Day in the City of Hampton.

ACTION: Councilwoman Angela Leary read the proclamation and presented it to Ms. Eileen Bickett.

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES

PUBLIC HEARINGS

Rezoning – First Reading

10. 05-0199 Rezoning Application No. 1199 by Michael H. Nuckols to amend proffers of Rezoning Case #1052 for 9± acres at 5 Libby Street and 108 Carnegie Street. The property is zoned Limited Commercial District (C-2) with conditions and allows hotel, office and retail uses. The 2010 Comprehensive Plan recommends public/semipublic uses for this area.

ACTION: **APPROVED** subject to seven (7) conditions with the caveat that the proffer language would be changed to reflect hotel properties and office and retail uses as opposed to hotel properties or office and retail uses.

11. 05-0200 Rezoning Application No. 1200 by K. Scott Roberts to amend proffers of Rezoning Case #1188 for 0.46± acre at 1810 E. Pembroke Avenue, zoned Neighborhood Commercial District (C-1). The Buckroe Neighborhood Plan, an addendum to the 2010 Comprehensive Plan,

recommends residential transition uses for this general area. C-1 zoning allows a mix of retail sales of convenience goods, personal services, multi-family, and offices.

ACTION: **APPROVED** subject to five (5) conditions.

12. 05-0201 Rezoning Application No. 1201 by Old Point National Bank to amend the proffers of Rezoning Case No. 1078 to permit a drive-up automated teller machine (ATM) on a 0.27± acre parcel at 357 Woodland Road that is zoned Neighborhood Commercial District (C-1). The 2010 Comprehensive Plan recommends commercial mixed use in this area. C-1 zoning allows for a mix of retail sales of convenience goods, personal services, multi-family housing, and offices.

ACTION: **APPROVED** subject to seven (7) conditions.

Use Permit

13. 05-0203 Use Permit Application No. 1000 by Jeffrey Allen to operate a vehicle storage area on 3.1± acres at 61 Tidewater Drive. The property is zoned Langley Flight Approach – Land Intensive Manufacturing District (M-4 A & B) and lies within the Special Overlay Districts Magruder Visual Corridor (SPI-MVC) and Aircraft Approach (SPI-AA). Vehicle storage is permitted in the above zones with an approved Use Permit.

ACTION: **DENIED.**

Ordinances - Second Reading

14. 05-0207 Second and final reading of an ordinance to amend and re-enact Chapter 26, Article IV of the Code of the City of Hampton, Virginia, pertaining to the Hampton Coliseum.

ACTION: **ADOPTED.**

15. 05-0208 Second and final reading of an ordinance to amend and re-enact Chapter 26 of the Code of Hampton, Virginia by adding a new Article VII entitled, “Hampton Roads Convention Center.”

ACTION: **ADOPTED.**

16. 05-0209 Second and final reading of an ordinance to amend and re-enact Section 2-132 of the Code of Hampton, Virginia entitled, “Signing of City Checks Generally.”

ACTION: **ADOPTED.**

17. 05-0205 Second and final reading of an ordinance to amend and re-enact Section 24-41 of the Code of the City of Hampton, currently entitled, "Tattooing and Tattooing Establishments."

ACTION: ADOPTED as amended.

18. 05-0206 Second and final reading of an ordinance to amend and re-enact Chapter 36 of the Code of the City of Hampton, entitled, "Swimming Pools."

ACTION: ADOPTED.

GENERAL ITEMS

19. 05-0211 Appointments - Virginia Municipal League (VML) Policy Committee

ACTION: Council made the following appointments to the VML Policy Committees:

Environmental Quality: Charles N. Sapp
Finance: Rhet Tignor and Randall A. Gilliland
General Laws: Joseph H. Spencer, II
Human Development & Education: Angela Lee Leary
Transportation: Ross A. Kearney, II

AUDIENCES GRANTED TO THE GENERAL PUBLIC

20. Ms. Anita Walters, 1915 N. Mallory Street; Ms. JoAnn Ingram, 136 South 5th Street; Ms. Jessica Burke, 305 Riversedge Drive; Ms. Amy Hobbs, 1913 N. Mallory Street; and Mr. Frank Blake, 1662 Old Buckroe Road, spoke in support of the Buckroe Master Plan.
- Ms. Sandra Canepa, 3 Markham Drive; Ms. Phyllis Flanders, 13 Ranalet Drive; and Ms. Trish Ferraro, 602 Tappan Avenue, spoke in opposition to the Bayfront piece of the Buckroe Master Plan.
21. Ms. Marge Allen, 59 Woods Lane; Ms. Virginia E. Reed, 47 Apollo Drive; Ms. Tammi Manderbach, 21 Sacramento Drive; and Mr. Philip E. Everhart, 31 Charlton Drive, of the Mayor's Committee for People with Disabilities; spoke concerning a need for daycare and other services for special needs children.
22. Mr. W. A. Smith, 33 Azalea Drive, spoke in opposition to the recent appointments to the Finance Committee.

23. Mr. Frank J. Ottofaro, 63 Wheatland Drive, stated that the City seized his property illegally in conjunction with the Power Plant project and he was unfairly treated by the court system.
24. Mr. Mike Wade, 15 Westminister Drive, spoke in opposition to the Council's action in not making local ordinances conform to state law regulating the carrying and possession of firearms.

Mr. Tom Burns, 123 Cooley Road, Williamsburg, past President of Hampton Bay Days, and Mr. John Sandhofer, 142 Winchester Drive, representing Hampton Event Makers, spoke in support of the Council's action in not making local ordinances conform to state law regulating the carrying and possession of firearms.

MISCELLANEOUS NEW BUSINESS

25. Councilman Tignor stated that legal counsel has confirmed that he did nothing illegal and did not commit malfeasance of office in voting down the change to the City ordinance with respect to the carrying and possession of firearms. Virginia law rendered the City's law invalid and his actions were in support of family values. Councilwoman Leary supported Councilman Tignor's comments and indicated that she would give a proposed motion to the City Manager for the next Council agenda requesting Virginia Code amendments with respect to the firearms issue.
27. Councilwoman Leary indicated that she had prepared a list of possible places to start for a meeting concerning special needs children in our community.

ADJOURNMENT

Contact Info:
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